

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend independent claim 1 to insert a space between words.
2. Amend independent claim 15 to recite further that the computer program is stored on computer-readable media and comprising instructions, and thereby overcome the rejection under 35 USC §101 (see Section B infra).
3. Respectfully traverse all prior art rejections (see Section C infra).

B. THE CLAIMS ARE STATUTORY

Applicant thanks the Examiner for the indication provided in enumerated paragraph 8 of the office action that the Examiner desires for independent claim 15 to recite further that the computer program is stored on computer-readable media and comprising instructions. Independent claim 15 has been amended accordingly, in view of inherent support. The very language of the MPEP section cited in enumerated paragraph 8 of the office action recognizes the well understood fact that a computer program is stored on computer-readable media and comprises instructions which can be executed by a computer. Therefore, for reasons including those previously articulated by Applicant, the rejection of claims 15-21 under 35 USC 101 can be withdrawn.

C. THE PATENTABILITY OF THE CLAIMS

Claims 1-4, 8-11 and 15-18 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,529,475 to Wan. Claims 5-7, 12-14 and 19-21 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,529,475 to Wan in view

of U.S. Patent 6,678,250 to Grabelsky. All prior art rejections are respectfully traversed for at least the following reasons.

As previously explained, Wan presents a centralized solution (col. 8), where monitors 110 situated in the network (nodes) are snooping the RTCP protocol and sending the information received from the RTCP protocols to a central server 112. The central server 112 utilizes the information to determine the congestion status of the network. If the network is found to be congested, the server 112 sends a signal to the network's gatekeepers 100 to react on the congestion and arrange for reducing the traffic. Wan's central server 112 can be remotely located as shown in Fig. 1, or the gateways can serve as the central server (col. 7, line 65+).

By contrast, Applicant's independent claims require monitoring of at least one current performance indicator at the IP telephony gateway, and making a determination of acceptance or rejection at the IP telephony gateway. Thus, by monitoring the quality of ongoing calls, the IP telephony gateways can determine whether to accept a new incoming call or not. Whereas Wan merely indicates that the gatekeepers "react to reduce congestion", Applicant's accept or reject individual incoming calls.

In Applicant's solution, the gateway is the originator of RTP media flows corresponding to the calls, and further serves both to monitor and to makes analysis of the status of the network when an incoming call is received.

In Wan, most of the RTP media flows originate from end-user equipment, and the corresponding RTCP flows go between the end-user equipment so that the information contained in the RTCP packets can only be made available if the Wan monitoring device 110 snoops into the traffic flow and extracts pertinent information. Thus, in Wan the information used as input to the admission control system is generated outside the

gateways, and Wan only listens passively. Applicant, on the other hand, generates the RTP media flows at the gateway, thereby providing a more efficient and flexible system.

In the paragraph bridging pages 3 and 4 of the office action it is opined that it would have been obvious to combine IP telephony gateways with respective gatekeepers with distributed central server functionality to save costs. Applicant vigorously disagrees, and submits that Applicant's solution is not obvious from Wan.

Wan does teach that the Wan gatekeepers could serve as the central servers (col. 7, lines 65+). However, even Wan's gatekeepers performing the monitoring and acceptance/rejection determination does not render obvious Applicant's monitoring and determination at Applicant's gateway, particularly in a layered network in which transport and control signaling are in separate layers.

A gatekeeper is an entity which is essentially responsible to process the call signalling, while the gateway is the entity for essentially handling the media flow. A gatekeeper can be regarded as a telephony server, and the gateway can be regarded as a media gateway. In a large scale (e.g., country wide) telephone network, separation of gateway and gatekeeper are necessary to scale to the traffic demand, and for providing flexibility to allow independent transport and control signaling layers. Therefore, the person skilled in the art would not be motivated to make the double consolidation of combining Wan's central server with Wan's gatekeeper, and then Wan's gatekeeper with Wan's gateway, particularly for a large scale network having separated signaling layers. The alleged motivation to combine (cost savings) is illusory and unavailing in view of other realities of the network.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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